

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA**

UNITED STATES OF AMERICA,)
)
Plaintiff,)
) **8:06CR283**
vs.)
) **ORDER**
LELAND HENDERSON,)
)
Defendant.)

Before the court is defendant's Motion to Continue Trial [47] due to the defendant's medical condition. The government has no objection to the continuance. For good cause shown,

IT IS ORDERED that the motion [47] is granted, as follows:

1. Trial of this matter is continued from May 29, 2007 to Tuesday, August 21, 2007.
2. The ends of justice are served by granting this motion and outweigh the interests of the public and the defendant in a speedy trial. The additional time arising as a result of the granting of the motion, i.e., the time between **May 29, 2007 and August 21, 2007**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act, 18 U.S.C. § 3161(h)(1)(A) and/or (h)(4) because the defendant is mentally incompetent or physically unable to stand trial. The failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).
3. Defense counsel shall deliver or mail a copy of the diagnosis report referenced in paragraph 8 of the motion to the undersigned magistrate judge, in chambers, Room 2210, Roman L. Hruska United States Courthouse, 111 South 18th Plaza, Omaha, Nebraska 68102-1322.

DATED May 22, 2007.

BY THE COURT:

**s/ F.A. Gossett
United States Magistrate Judge**